

State of Pennsylvania into the State of Illinois to said Aaron Poultry & Egg Co., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly and in part of a filthy and decomposed animal substance, and for the further reason that it consisted wholly and in part of a portion of an animal unfit for food.

On October 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3168. Adulteration and misbranding of muscatel wine. U. S. v. 1 Barrel of Muscatel Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5314. S. No. 1902.)

On August 15, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of muscatel wine, remaining unsold in the original unbroken package and in the possession of S. Pacifico, Detroit, Mich., alleging that the product had been shipped on August 1, 1913, by A. Textor & Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On barrel) "A. Textor and Co., Sandusky, Ohio, Muscatel Wine. No. 5425 guaranteed under the Food & Drugs Act of June 30, 1906." (On shipping tag) "S. Pacifico, Riopelle Street, Detroit."

It was alleged in the libel that the product was misbranded in violation of section 8, first general paragraph, and also in violation of paragraph 2 of said section 8 of the Food and Drugs Act, under the classification of "Food," and further that it was adulterated in violation of section 7 of the Food and Drugs Act, under the classification of "Food" in said act, and in violation of paragraphs 1 and 2 of said section 7, an examination of samples of the product by the Bureau of Chemistry of the Department of Agriculture having revealed that said product was imitation muscatel wine and contained alcohol, 18 per cent by volume; solids, 5.1 grams per 100 cc; reducing sugars as invert before inversion, 3.9 grams per 100 cc, after inversion, 3.9 grams per 100 cc; saccharin, 0.01 gram per 100 cc; the analysis showing that there had been added or substituted for muscatel wine a product containing a small amount of sugar, which had been artificially sweetened in imitation of muscatel type of wine; that it contained saccharin that had been substituted wholly or in part for sugar. It was also alleged in the libel that the barrel of wine, by the label contained thereon, was labeled and printed so as to deceive and mislead the purchaser thereof, and said product had been adulterated in that a substitution had been mixed and packed with it so as to reduce and lower and injuriously affect its strength and quality and that a substance had been substituted in part for the article, an analysis disclosing the fact that the product was an imitation of muscatel wine as aforesaid, said misbranding, labeling, and adulterating constituting a violation within the meaning of said act of June 30, 1906.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.